

REMARKS

Claims 1 – 23 and 25 - 28 were pending in the present application when last examined and were rejected. Claims 21, 23, 25 and 27 are being amended to recite explicitly that which was implicit and claims 29 – 34 are added. No new matter is being added. Claims 1 – 23 and 25 – 34 remain pending in the present application. Reconsideration and allowance are respectfully requested.

Rejection under 35 U.S.C. § 101

In item 1, on page 2, the Office Action rejected claim 27 under 35 U.S.C. § 101 ostensibly because the claims are not useful in technical art therefore they are non statutory and also they have non-function description material and function relationship. The rejection argues that “this differs, for instance from a computer implemented method.”

The rejection is rendered moot, however, in view of amendments made to claim 27 herein.

Rejections Under 35 U.S.C. § 102(b) based on Hall

In item 3 Claim 23 stands rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. (U.S. 5676785). The rejection is rendered moot, however, in view of amendments made to claim 23 herein.

Rejections Under 35 U.S.C. § 103(a) over Hall i.v.o Lipkin

In item 5 that begins on page 3, the Office Action rejected claims 1 - 4, 13 - 22, 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,675,785 to Hall et al. (Hall) in view of U.S. Patent No. 6,088,698 to Lipkin et al. (Lipkin).

The Office Action argues that in order to provide “a virtual world has a node called “bar” has defines a 3-dimention bar for a bar graph display the information (col. 23, lines 30 – 60, Lipkin)” that “at the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to include displaying one or more indicators associated with the one or more groupings on an n-dimensional presentation in the system of Hall as taught by Lipkin.” Applicants respectfully traverse.

Claim 1

Claim 1 recites:

1. A method, comprising:
 - receiving a first database;
 - forming a virtual schema including at least a portion of a dataset included within the first database;
 - receiving a first input indicating a criteria;
 - aggregating data of the first database into one or more groupings in accordance with the virtual schema and the first input indicating the criteria; and
 - displaying one or more indicators associated with the one or more groupings on an n-dimensional presentation.

In view of the present invention, Applicant fully agrees with the Examiner that embodiments of the invention may indeed provide for overlaying virtual schema query results (i.e., non-world data) onto a virtual world, or modifying the Lipkin reference to either layer or composited non-world data on top of a world image, however, such overlaying is NOT in the asserted Hall/Lipkin combination. Because neither Hall nor Lipkin, alone or in any combination teach, suggest or otherwise render obvious such associating non-world data (i.e., the recited indicator, for example) with a virtual world, and because modifications to Lipkin to do so would change Lipkin’s principle of operation in a manner contrary to their stated purpose, **the idea to do so must be drawn via impermissible hindsight from the present application.**

Lipkin teaches techniques for graphically depicting a Virtual Reality Modeling Language (VRML) virtual world. In Lipkin’s system, anything can be a virtual world: “For example, the following VRML source code will generate a virtual world comprising a red cone when it is run in a VRML enabled browser:” (col. 2:lines 48 – 50). Lipkin states that their system is intended to provide rapid, efficient creation and modification of a virtual world:

Based on the foregoing, there is a clear need for a system, process and product that provides rapid and efficient creation, modification and updating of a virtual world (col. 4: lines 13 – 16).

The speed and efficiency is needed to enable Lipkin's system to work through a browser of a remote user:

There is a particular need for mechanisms that generate and communicate to a user, browser or client only that portion of a virtual world that is visible to the user, browser or client, or within its field of view, at a particular time (col. 4: lines 17 – 20).

There is also a need for mechanisms that can sense when the point of view of the user, browser or client has moved so as to encompass a new portion of the virtual world, and that can then generate only that portion of the virtual world that has become visible to the user, browser or client as a result of the move (col. 4: lines 24 – 29).

Lipkin describes an example situation involving needed rapid changes to a virtual world:

For example, to make a small change to a world, such as removing a tree from a scene, it would be necessary to: retrieve the entire VRML file; find the portion of the file in which the tree is defined; update the file using a text editor to remove the tree; and save the updated file as a single unit. In addition, the same process of editing, saving, and reloading must be used when the user wishes to add new elements to the world. Manipulating a VRML file in this manner excessively burdens the user and the computing system, and is slow and error-prone (col. 3: lines 49 – 57).

Lipkin's approach to solving this problem uses a database in performing virtual world compositing. All or portions (called "sub-worlds" or "nodes") of the virtual world may be stored in the database from which the virtual world is composed.

The office action's argument confuses claim 1's recited associated non-world data with an added bar graph when in fact the bar graph is effectively composited as a virtual world in Lipkin. (Lipkin, col. 23:lines 30 - 60). Lipkin's bar graph is not, however, non-world data. Instead, the bar-graph is a virtual world: "For example, a virtual world has a node called "bar" that defines a 3D bar for a bar graph display" (col. 23: lines 46 – 47).

Because Lipkin's system is intended to provide rapid and efficient creation and modification of a VRML virtual world, modifying their system to include non-composited techniques of layering non-world data onto the world (wastes time) or adding non-world data to the database and then re-compositing the world (wastes time) would require modifications to Lipkin's purpose as well as Lipkin's principle of operation to do so because such modifications would NECESSARILY slow Lipkin's system contrary to their stated purpose: the fast and efficient maintenance of a virtual world. Therefore, the idea to so modify Lipkin must be drawn via impermissible hindsight from the present application.

For at least this reason, the rejection is improper and should be withdrawn.

Claims 20, 21, 23 and 25

Claim 20, amended claims 21, 23 and 25, while independently patentable, are also patentable for the same reasons described above with respect to Claim 1. Therefore, based on at least the reasons stated above with respect to Claim 1, the applicant respectfully submits that Claims 20 – 22 and 25 are patentable over Hall and Lipkin.

Claims 2 – 4, 13 – 19, 22, 24 and 26 – 28

Claims 2 – 4, 13 – 19 and 26 – 28 are dependent claims depending directly or indirectly from claim 1. Therefore claims 2 – 4, 13 – 19 and 26 – 28 are patentable over Hall and Lipkin for at least the same reasons that claim 1 is patentable over Hall and Lipkin. Similarly, claims

22, 24 and claim 26, being dependent from claims 21, 23 and 25, respectively, are allowable for the same reasons as discussed above for claims 21, 23 and 25.

Therefore, Applicant respectfully requests: (1) withdrawal of the rejection and (2) withdrawal of Lipkin from further consideration as a reference.

**Rejections Under 35 U.S.C. § 103(a) over Hall i.v.o Lipkin and
further i.v.o Gonzales**

In Item 6, page 7, Claims 5, 6 and 7 are rejected under 35 U.S.C 103(a) as being unpatentable over Hall et al. (U.S 5675785)(Hall) in view of Lipkin et al. (U.S. 6088698) (Lipkin) and further in view of Michael Gonzales “Seeking spatial intelligence, <http://intelligententerprises.com/000120/feat1.shtml> (provided by Applicant).

The Office Action argues that, “at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the step for predetermined area (table 1, page 2, Gonzales) in combination system of Hall and Lipkin as taught by Gonzales,” even though Hall and Lipkin do not disclose: “a second input indicating one or more regions [that] comprises: at least one of an input from a user, predetermined area, and derivation based upon one or more objects on an and dimensional presentation and a result of the computation.” Applicants respectfully traverse.

Since rejected claims 5 – 7 depend either directly or indirectly from claim 1, the asserted combination of Hall, Lipkin and Gonzales cannot render the embodiments recited by claims 5 – 7 obvious if such asserted combination does not render claim 1 obvious.

The failings of Hall and Lipkin to teach, suggest or render obvious the claimed embodiments of the present invention under 35 U.S.C. § 103(a), as well as that the asserted combination of Hall with Lipkin requires impermissible hindsight, have been discussed above with regard to claim 1.

Gonzales fails to remedy the faults of Hall and Lipkin with regard to failing to teach, suggest or otherwise render obvious the recited embodiments recited by claim 1. Therefore, since claim 5 depends from claim 1 and incorporates each of the recited limitations of claim 1, the asserted combination also fails to render claim 5 obvious for at least the same reasons.

Claims 6 through 7 are dependent claims depending directly or indirectly from claim 5. Therefore claims 6 through 7 are patentable over Hall, Lipkin and Gonzales for at least the same reasons that claim 5 is patentable over Hall, Lipkin and Gonzales.

Therefore, Applicant respectfully requests: (1) withdrawal of the rejection and (2) withdrawal of Gonzales from further consideration as a reference.

Rejections Under 35 U.S.C. § 103(a) over Hall i.v.o Lipkin i.v.o Gonzales and further i.v.o. Anderson

In item 7, page 8, Claims 8 - 10 are rejected under 35 U.S.C 103(a) as being unpatentable over Hall et al. (U.S. 5675785) (Hall) in view of Lipkin et al. (U.S. 6088698)(Lipkin) in in view of Michael Gonzales “Seeking spatial intelligence, <http://intelligententerprise.com/000120/feat1.shtml> (provided by the Applicant) and further in view of Anderson et al. “Coordinates of a Killer-Geospatial solutions” (provided by Applicant).

Applicants respectfully traverse.

The Office Action argues that, “at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the step for computing the activities of a target within the region (page 3, paragraphs 3 - 4, Anderson) as claimed in the combination system of Hall, Lipkin and Gonzales,” even though Hall, Lipkin and Gonzales didn’t disclose: “wherein the result of a computation comprises: computing an animal home range, the home range providing a region defined by activities of a target; defining within the region a first ellipse; and defining within the region a second ellipse approximately orthogonal to the first ellipse; wherein an area defined by intersection of the first ellipse and the second ellipse provides a greatest probability of finding the target.”

Applicants respectfully disagree.

Since rejected claims 8 - 10 depend either directly or indirectly from claim 1, the asserted combination of Hall, Lipkin, Gonzales and Anderson cannot render the embodiments recited by claims 8 - 10 obvious if such asserted combination does not render claim 1 obvious.

The failings of Hall, Lipkin and Gonzales to teach, suggest or render obvious the claimed embodiments of the present invention under 35 U.S.C. § 103(a), as well as that the asserted combination of Hall with Lipkin requires impermissible hindsight and Gonzales fails to remedy the faults of Hall and Lipkin have been discussed above.

Anderson fails to remedy the faults of Hall, Lipkin and Gonzales with regard to failing to teach, suggest or otherwise render obvious the recited embodiment of claim 1. Therefore, since Claims 8 - 10 are dependent claims depending either directly or indirectly from claim 1, claims 8 - 10 are patentable over Hall, Lipkin, Gonzales and Anderson for at least the same reasons that claim 1 is patentable over Hall, Lipkin, Gonzales and Anderson.

Therefore, Applicant respectfully requests: (1) withdrawal of the rejection and (2) withdrawal of Anderson from further consideration as a reference in the instant case.

Rejections Under 35 U.S.C. § 103(a) over Hall i.v.o Lipkin i.v.o and further i.v.o. Lucas

In Item 8, page 10, Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (U.S. 5675785)(Hall) in view of Lipkin et al. (U.S. 6088698) (Lipkin) and further in view of Lucas et al. (U.S. 6075530) (Lucas).

The Office Action argues that, “at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the step for predetermined area (fig. 3 and corresponding text, Lucas) in the combination system of Hall, Lipkin and Lucas” even though Hall and Lipkin do not disclose, “wherein the n-dimensional presentation comprises a map.”

Applicants respectfully disagree.

Since rejected claims 11 and 12 depend either directly or indirectly from claim 1, the asserted combination of Hall, Lipkin, and Lucas cannot render the embodiments recited by claims 11 and 12 obvious if such asserted combination does not render claim 1 obvious.

The failings of Hall and Lipkin to teach, suggest or render obvious the claimed embodiments of the present invention under 35 U.S.C. § 103(a), as well as that the asserted combination of Hall with Lipkin requires impermissible hindsight have been discussed above.

Lucas fails to remedy the flaws of Hall and Lipkin with regard to failing to teach, suggest or otherwise render obvious claim 1.

Claims 11 - 12 are dependent claims depending either directly or indirectly from claim 1. Therefore claims 11 - 12 are patentable over Hall, Lipkin, and Lucas for at least the same reasons that claim 1 is patentable over Hall, Lipkin, and Lucas.

Therefore, Applicant respectfully requests: (1) withdrawal of the rejection and (2) withdrawal of Lucas from further consideration as a reference in the instant case.

Rejections Under 35 U.S.C. § 103(a) over Hall i.v.o Lipkin i.v.o and further i.v.o. Brandt

In item 9, page 11, Claims 27 and 28 are rejected under 35 U.S.C 103(a) as being unpatentable over Brandt et al. (US 6714979)(Brandt) in view of Hall et al. (U.S. 5675785)(Hall).

The Office Action argues that, “at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the step for pre-determined area in the system of Brandt as taught by Hall. The motivation being to enable the system provides security can more naturally be expressed in the terms of the business or subject and is relatively independent of physical changes in the warehouse,” even though Brandt, didn’t disclose: “at least one of a plurality of classification components providing classifications for information relating to the core component.”

Applicants respectfully disagrees.

Because amended claim 27 and claim 28 now depend from claim 1, the asserted combination of Hall and Brandt cannot render the embodiments recited by claims 27, and claim 28 obvious if such asserted combination does not render claim 1 obvious.

The failings of Hall to teach, suggest or render obvious the claimed embodiments of the present invention under 35 U.S.C. § 103(a), as well as that the asserted combination of Hall with Lipkin requires impermissible hindsight have been discussed above.

Brandt fails to remedy the flaws of Hall with regard to failing to teach, suggest or

otherwise render obvious claim 1.

Claims 27 - 28 are dependent claims depending either directly or indirectly from claim 1. Therefore claims 27 - 28 are patentable over Hall and Brandt for at least the same reasons that claim 1 is patentable over Hall and Brandt.

Therefore, Applicant respectfully requests: (1) withdrawal of the rejection and (2) withdrawal of Brandt from further consideration as a reference in the instant case.

Conclusion

Because each of the cited references, Hall, Lipkin, Gonzales, Anderson, Lucas and Brandt teach away from the inventions of claims 1 – 23 and 25 - 28, Applicants respectfully request withdrawal of each and every one of these references from further consideration and timely allowance of the claims for at least the foregoing reasons.

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.

In light of the above, it is respectfully submitted that further examination of the elected claims continue. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

By 

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